



Attorney Docket: 00028.09CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Joshua D. Rabinowitz, et al.) Examiner: M. Haghigian
Serial No.: 10/766,149)) Group Art Unit: 1616
Filing Date: January 27, 2004)) Confirmation No.: 1962
For: DELIVERY OF SEDATIVE-HYPNOTICS))
THROUGH AN INHALATION ROUTE))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicant calls the Examiner's attention to the patents and publications listed on the attached Form PTO-1449, copies of required documents enclosed, which may be material to examination of the above identified application.

09/27/2005 HGUTEMA1 00000007 10766149

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TIME OF TRANSMITTAL

This Information Disclosure Statement is being submitted under 37 CFR § 1.97(c). This Statement is filed after three months from the filing date of the national application, after three months from the date of entry into national stage under 37 CFR § 1.491, after the mailing of a first Office Action on the merits, or after the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR § 1.114, but before the mailing date of any of:

- (a) a final action under 37 CFR § 1.113;
- (b) a notice of allowance under 37 CFR § 1.311; or
- (c) an action that otherwise closes prosecution in the application.

This Statement is accompanied by a check for \$180 in accordance with 37 CFR §§1.97(c) and 1.17(p). The undersigned hereby authorizes the charging of any deficiency of fees submitted herewith to Deposit Account No. 19-5117.

37 CFR 1.8

CERTIFICATE OF MAILING

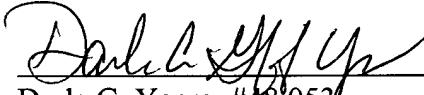
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 9/22/05

Signature: Tasha
Name: Tasha L. Pierce

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. This listed patents and publications are believed of interest herein and consideration and citation of as interest by Examiner is respectfully requested.

Respectfully submitted,

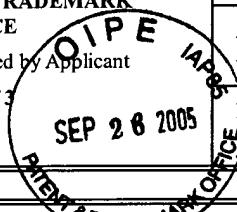
Date: September 22, 2005



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FORM PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 00028.09CON	SERIAL NO. 10/766,149
List of Information Cited by Applicant Page 1 of 3		APPLICANT Rabinowitz, et al.	
		FILING DATE January 27, 2004	GROUP 1616



U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	AA	10/057,198	10/26/2001	Lloyd et al.			
	AB	10/146,088	05/13/2002	Hale et al.			
	AC	10/280,315	10/25/2002	Shen			
	AD	10/302,614	11/21/2002	Lu			
	AE	10/322,227	12/17/2002	Novack et al.			
	AF	10/442,385	05/20/2003	Cross et al.			
	AG	10/719,540	11/20/2003	Hale et al.			
	AH	10/850,895	05/20/2004	Damani et al.			
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	AL	10/851,883	05/20/2004	Hale et al.			
	AM	10/861,554	06/03/2004	Cross et al.			
	AN	10/912,417	08/04/2004	Bennett et al.			
	AO	10/917,720	08/12/2004	Hale et al.			
	AP	10/917,735	08/12/2004	Hale et al.			

FOREIGN PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLS	SUB CLS	TRANS ?
	AQ	GB 502 761	03/24/1939	Great Britain			
	AR	WO 94/09842	05/11/1994	WIPO			
	AS	WO 97/36574	10/09/1997	WIPO			
	AT	WO 03/37412	05/08/2003	WIPO			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		EXAMINER DATE CONSIDERED					
	AU	Office Action mailed 12/04/03 for US App. No. 10/057,198 filed 10/26/01, "Method And Device For Delivering A Physiologically Active Compound"					
	AV	Office Action mailed 01/12/05 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"					
	AW	Office Action mailed 06/03/04 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"					
	AX	Office Action mailed 12/15/03 for US App. No. 10/057,197 filed 10/26/01, "Aerosol Generating Device And Method"					
	AY	Office Action mailed 02/27/04 for US App. No. 10/146,080 filed 05/13/02, "Aerosol Forming Device For Use In Inhalation Therapy"					

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE List of Information Cited by Applicant Page 2 of 3	ATTY. DOCKET NO.	SERIAL NO.
	00028.09CON	10/766,149
	APPLICANT	
	Rabinowitz, et al.	
FILING DATE	GROUP	
January 27, 2004	1616	

U.S. PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	NAME	CLS	SUB- CLS	FILE DATE
	BA	3,987,052	10/19/1976	Hester, Jr.			
	BB	3,219,533	11/23/1965	Mullins			
	BC	3,949,743	04/13/1976	Shanbrom			
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	BK	4,566,451	01/28/1986	Badewien			
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	BZ	5,042,509	08/27/1991	Banerjee et al.			
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	BHH	5,240,922	08/31/1993	O'Neill			

EXAMINER

DATE CONSIDERED

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	CA	5,345,951	09/13/1994	Serrano et al.			
	CB	5,366,770	11/22/1994	Wang			
	CC	5,456,247	10/10/1995	Shilling et al.			
	CD	5,511,726	04/30/1996	Greenspan et al.			
	CE	5,457,100	10/10/1995	Daniel			
	CF	5,543,434	08/06/1996	Weg			
	CG	5,564,442	10/15/1996	MacDonald et al.			
	CH	5,655,523	08/12/1997	Hodson et al.			
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	CJ	5,605,146	02/25/1997	Sarela			
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	CO	5,840,246	11/24/1998	Hammons et al.			
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	CW	6,131,570	10/17/2000	Schuster et al.			
	CX	6,136,295	10/24/2000	Edwards et al.			
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	CGG	2002/0117175	08/29/2002	Kottayil et al.			
	CHH	2004/0016427	01/29/2004	Byron et al.			

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